REMARKS

This paper is filed subsequent to a telephonic interview held with the Examiner on August 16, 2005. During the interview, the Examiner informed Applicants' attorney that rejected claims 21 and 23 would be allowable, based on certain arguments and amendments discussed, upon filing of the present written Response. Claim 23 has presently been amended. Claims 2-4 and 11-16 have been allowed. Upon entry of this amendment, claims 2-4, 11-16, 21, and 23-26 are presently pending.

Written Description Rejections.

The Examiner has rejected claims 21 and 23-25 as allegedly failing to comply with the written description requirement of 35 U.S.C. 112, first paragraph. Specifically, the Examiner alleges that the term "non-homologous" as recited in claim 21 is a limitation that excludes subject matter from the scope of the claim in a manner that is not contemplated by the specification.

As discussed with the Examiner during the telephonic interview, the ability of the antibody of claim 21 to be capable of binding its target motif in a "plurality of non-homologous peptides or proteins" does not exclude any subject manner, per se, in a manner inconsistent with the teachings of the specification. Rather, the recited element is a *required* feature and characteristic of the claimed subject matter that is described throughout the specification. Thus, an antibody within the scope of the claim must possess the ability to bind its target motif in a plurality of non-homologous peptides or proteins. However, it may also bind the motif in a plurality of homologous peptides or proteins. In the interview, in light of this clarification, the Examiner agreed that the language of pending claim 21 is supported in the specification as filed, and that this rejection would accordingly be withdrawn, and claims 21 and 23-25 advanced to allowance.

Novelty Rejections.

The Examiner has further rejected claims 21 and 23-25 under 35 U.S.C. 102(b) as allegedly being anticipated by *Glenney et al.* (Journal of Immunological Methods, 1988, Vol. 109, pp. 277-285 (cited in the Background of the specification). Specifically, the Examiner alleges that the phosphotyrosine-specific antibody disclosed in *Glenney* anticipates the claimed subject matter

because a single phosphotyrosine residue can be considered "all or a part of" a kinase consensus substrate motif or a protein-protein binding motif as recited in claim 23.

As discussed with the Examiner during the interview, the antibody of *Glenney* is outside the scope of independent claim 21 (from which claim 23 depends) because the claimed subject matter requires specific binding to a motif of two or more invariant amino acids. Nonetheless, Applicants have amended claim 23 to recite that the motif "is" a kinase consensus substrate motif or a protein protein binding motif, in order to further clarify that the claimed subject matter pertains to motifs of two or more residues (as required by claim 21), not single amino acids. The Examiner previously indicated that this amendment would obviate the outstanding rejection and that claims 21 and 23-25 would be advanced to allowance.

Conclusion

The present claims are patentable over the prior art, and believed to be in condition for immediate allowance. Reconsideration and withdrawal of the outstanding objections and rejections is respectfully requested, and early and favorable allowance of these claims is earnestly solicited. If there are any questions regarding these amendments and remarks, the Examiner is requested to call the undersigned attorney at the telephone number provided.

Respectfully submitted,

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